

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GRAND JURY, SOVEREIGNS OF THE COURT

NOTICE OF MOTION

Plaintiff,

16-CV-1490

-against-

(LEK)(DJS)

U.S. CONGRESS, ET AL.

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Declaration of Katherine Santandrea with all exhibits thereto and Memorandum of Law; and upon all the pleadings and proceedings herein, Defendant New York State Governor Andrew Cuomo, on April 21, 2017 **upon submission of the papers only**, will make a motion at the United States District Court, Northern District of New York, pursuant to Federal Rules of Civil Procedure 8, 12(b)(1) and 12(b)(5) for an order dismissing Plaintiff's Complaint for lack of jurisdiction, insufficient service and improper pleading, together with such other or further relief as may be just.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 7.1(b)(1) of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with Clerk in Syracuse, New York and served upon counsel for the defendants no later than seventeen (17) days before the return date of the motion, exclusive of that day. These papers must include, at a minimum, a memorandum of law containing relevant factual and legal arguments.

PLEASE BE FURTHER ADVISED that if you do not respond in opposition to this motion, the motion to dismiss, if appropriate, may be granted and judgment may be entered against you. If the motion to dismiss is granted, your case will be dismissed and there will not be a trial concerning any of the issues asserted in your complaint.

Dated: Albany, New York
March 16, 2017

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for AG Defendants
The Capitol
Albany, New York 12224-0341
By: s/ C. Harris Dague
C. Harris Dague
Assistant Attorney General, of Counsel
Bar Roll No.513292
Telephone: (518) 474-8158

To: Grand Jury, Sovereigns of the Court
Unified United States Common Law Grand Jury
Grand Jury Foreman
P.O. Box 59
Valhalla, NY 10595